

The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

April 22, 2005

Conn Brothers Construction, Inc.
Mr. William Conn, President
P.O. Box 670
Lincoln, New Hampshire 03251

Subject: Conn Brothers Construction, Inc., Route 3, Woodstock, NH
Administrative Order No. WD 05-15

Dear Mr. Conn:

As discussed in our telephone conversation on April 20, 2005, enclosed you will find Administrative Order No. WD 05-15 for the subject site. If you have any questions about the Order or related matters, please contact me at 271-6637.

Sincerely,

Stergios K. Spanos
Compliance Subsection, Wastewater Engineering Bureau

CERIFIED MAIL / RRR # 7099 3400 0003 6154 3970

cc: Gretchen Hamel, Administrator, DES Legal Unit
Public Information Officer, DES PIP Office
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB
John Bush, DES Wastewater Engineering Bureau Administrator
Ridge Mauck, DES Water Quality Engineering Section
Collis Adams, DES Wetlands Bureau Administrator
Board of Selectmen, Woodstock
Joy Hilton, EPA Compliance and Enforcement
Thelma Murphy, EPA Stormwater Permitting

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The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Conn Brothers Construction, Inc.
P.O. Box 670
Lincoln, NH 03251

Re: Route 3, Woodstock, NH

**ADMINISTRATIVE ORDER
No. WD 05-15**

April 22, 2005

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division to Conn Brothers Construction, Inc. pursuant to RSA 485-A:22. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, NH 03301.
2. Conn Brothers Construction, Inc. ("CBC") is a New Hampshire corporation with a principal office at Lost River Road, North Woodstock, NH 03262 and a mailing address of P.O. Box 670, Lincoln, NH 03251.

C. STATEMENTS OF FACTS AND LAW

1. Pursuant to RSA 485-A:13 and related sections, DES regulates the discharge of pollutants to surface waters under a permit system. As part of this program, the Commissioner of DES has adopted Env-Ws 401-405 relating to permits and has adopted Env-Ws 1700 to establish water quality standards for the state's waters.
2. CBC operates a gravel pit on property owned by R&E Leasing on Route 3 in North Woodstock, NH, identified on Woodstock Tax Map 208 as lot 13 ("the Facility").
3. R&E Leasing was registered with the NH Secretary of State as a trade name; according to Secretary of State records, the registration expired on October 4, 1995. Based on the Secretary of State records, R&E Leasing appears to have had the same principals as CBC.
4. On April 18, 2005 DES inspectors observed an unpermitted discharge to Beaver Brook originating at the Facility. The discharge consisted of gravel pit water being pumped from the facility to the adjacent property, flowing through a cattle pasture, reaching Beaver Brook. The discharge was pumped from the Facility through two six inch lines onto the adjacent property at

an estimated flow rate of 1400 gallons per minute. The water follows the contours of the adjacent property until it becomes flooded and then reaches Beaver Brook.

5. The Facility is not permitted for any discharges to Beaver Brook or to any other surface waters of the state.
6. In a telephone conversation between Mr. William Conn (President of the CBC) and Stergios Spanos (DES) on April 20, 2005, CBC was advised to cease and desist the discharge to Beaver Brook.

D. DETERMINATION OF VIOLATIONS

1. CBC violated RSA 485-A:13 by discharging waste to surface water of the state without first obtaining a written permit from DES.

E. ORDER

Based on the above findings, DES hereby orders CBC as follows:

1. **Immediately cease and desist** any activity which results in a discharge to Beaver Brook or to any other surface waters of the state.

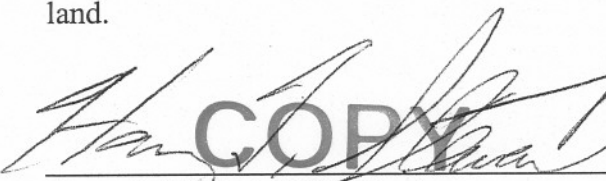
F. APPEAL


Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve CBC of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485-A:22 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. CBC remains obligated to comply with all applicable requirements, in particular RSA 485-A:8, RSA 485-A:13, Env-Ws 401-405 and Env-Ws 1700. DES will continue to monitor CBC's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Grafton County Registry of Deeds so as to run with the land.


Harry T. Stewart, P.E., Director
Water Division


Michael P. Nolin, Commissioner
Department of Environmental Services

Certified Mail/RRR: 7099 3400 0003 6154 3970

cc: Gretchen R. Hamel, Legal Unit Administrator
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